

**MINUTES OF THE CHARTER TOWNSHIP OF MUNDY  
REGULAR BOARD MEETING HELD MAY 11, 2009**

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The Regular Meeting of the Charter Township of Mundy was called to order by Supervisor D. Guigear at 7:00 P.M. SUPERVISOR D. Guigear, CLERK T. Ketzler, TREASURER J. Oskey, TRUSTEES M. Frost, B. Harrison, B. Morey and D. Owens were present. Also present was ATTORNEY J. Belzer, FIRE CHIEF T. Romans, POLICE MARSHAL J. Petres and FINANCE DIRECTOR K. Ruddy. The Pledge of Allegiance was led by Trustee B. Harrison.

Motion by Treasurer J. Oskey, seconded by Trustee M. Frost to move Item A under Supervisor to Item B under Announcements. All ayes. Motion carried unanimously.

Motion by Treasurer J. Oskey, seconded by Trustee D. Owens to add under Committee Reports – Fire Department: Item C – MFR Responsibility; Item D – FEMA Grant and Item E- Bids for Station #1. All ayes. Motion carried unanimously.

Motion by Clerk T. Ketzler, seconded by Trustee M. Frost to add under Clerk as Item A – Bid Process for Planning and Master Plan. All ayes. Motion carried unanimously.

**APPROVAL AND CORRECTION OF MINUTES:**

Motion by Trustee D. Owens, seconded by Trustee M. Frost to approve the Minutes of the Regular Meeting held on 4-27-09 as submitted. All ayes. Motion carried unanimously.

**PUBLIC COMMENTS:**

Don Phillips, 6052 Bloss Ct., spoke in favor of the S.A.D. for Lin-Hill and urged the Township Board to pass the Lin-Hill S.A.D.

John Trecha, 6022 Oak Creek Dr., said he is associated with the residents who circulated the petition to stop the \$1,425,000 street construction project for Lin-Hill. Mr. Trecha said the people were successful with that endeavor with 66% or 95 of the 145 owners of record signing the petition. Mr. Trecha explained the homeowners have now proposed a project that satisfies the majority of the homeowners and a project that will benefit the Township as well. There will be a savings of at least \$135,000.00 less than the proposed 25% match where \$285,000.00 would have been for the \$1,425,000.00 project. Mr. Trecha gave further details regarding the savings to the residents as well as the Township over the eight to ten year project. Everyone will end up with good streets and should be satisfied. This is a win-win situation for Oak Creek Dr., Oak Creek Ct., Lin-Hill, Bloss Dr. and Bloss Ct.

Mike Valus, 5230 Lin-Hill, said it is unfortunate that this process is set up the way it is through the county. It creates a lot of ill-will amongst the neighbors. Mr. Valus said he appreciates the Township and the County coming to a more equitable agreement. Mr. Valus also spoke about the road conditions and asked that the Board approve the S.A.D. By doing so it will take care of the ill-will amongst the neighbors. The other request addressed by Mr. Valus was that the Township Board approves to divide the assessment equally among the homeowners even if there is someone who has a corner lot. The County only allows the assessment for lineal footage.

Mary Sheridan, 6398 Laura Lane, asked if the Township would be spending \$450,000.00 for the Lin-Hill S.A.D. project. A brief explanation was given by Karen Ruddy, Financial Director.

Robert Dziczek, 5041 Lin-Hill, stated that he doesn't believe the residents should have to pay for someone who has extra frontage for the S.A.D.

Carol Masse, 5110 High Point Dr., said she supports having the roads repaired and she doesn't have a large or corner lot, but she believes the assessment should be spread evenly among the homeowners.

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Terry Wisner, 5060 Lin-Hill, said he is in favor of the road repair. Many people said no to the project because they couldn't afford it and people don't think it is fair because of the lineal footage.

Dan Chrenka, 5110 Lin-Hill, stated he is in favor of the road repair and asked the Board to follow through with the S.A.D. and cost savings. If everyone shares in the cost it will not be that much more. Mr. Chrenka said he is willing to help share the burden of cost for the corner lots.

Terry Clark, 6047 Elk Cr. Dr., noted he is in favor of the S.A.D. project. Mr. Clark explained that the people are upset because of the original cost for this S.A.D. Mr. Clark thanked the others for their work and for the compromise and said the road needs to be repaired.

**ANNOUNCEMENTS:**

Supervisor D. Guigear announced that the Planning Commission Meeting will be held on May 13, 2009 at 7:00 P.M. and the Zoning Board of Appeals Meeting will be held on May 27, 2009 at 7:00 P.M.

A. Linda Barber – Mission of Peace Foreclosure Counseling:

Mrs. Barber noted that the auditorium is a real tribute to Don Halka who was her mentor. Mrs. Barber explained that she is here to speak about the home foreclosures and to inform the people that help is available to them. Mrs. Barber said her primary concern is for the children in the community who become uprooted from their homes and schools, which can translate into academic failure. Many families have invested in their homes and will lose their homes. Mrs. Barber said the residents are the people who have voted for the Board members have they trust you and you need to let the residents know it is not too late to get the help they need. If the people feel they are going to be behind on their house payments they need to get help immediately. There are unscrupulous people starting to prey on your homeowners and there are several non-profit like our organization that will perform the job for the residents for free so the people don't need to pay to get help. Mrs. Barber noted that even if there is a Sheriff's sale it still isn't too late and we need to get the word out to these families in your community. Mrs. Barber said there is a possibility you will see problems in the community and there might be a need for increased police and fire coverage. We are seeing vagrants coming into the communities and this is happening in every municipality throughout the State of Michigan. Mrs. Barber asked that the Board members direct the people in the community to the Mission of Peace agency or other agencies. Mrs. Barber said she would leave some brochures and noted that it is important for the people who are having difficulty not to be embarrassed and get the help they need. A brief discussion followed regarding the information being placed on the Township website.

Supervisor D. Guigear asked that the Board approve of him abstaining from voting on the on S.A.D. for Lin-Hill as he lives in the area. Attorney J. Belzer said every elected official has an obligation to vote and he believes the Supervisor has more to lose than gain with the S.A.D. However, the Board will have to vote for the Supervisor to abstain from voting.

Motion by Clerk T. Ketzler, seconded by Trustee B. Harrison to approve Supervisor D. Guigear to abstain from voting on the Lin-Hill S.A.D. as he lives in the area. Motion carried 6-1 with DO voting no.

Motion by Clerk T. Ketzler, seconded by Trustee D. Owens to appoint Treasurer J. Oskey as the Temporary Chairperson for the meeting to conduct the Lin-Hill S.A.D. business. All ayes. Motion carried unanimously.

Karen Ruddy, Finance Director provided the Board with some financial information concerning the Lin-Hill S.A.D. Ms. Ruddy explained that the original petitions were successful in approving the S.A.D. but the counter petitions were circulated to stop the project. The Engineering costs were \$81,000 and would have to be paid. Supervisor Guigear asked the County to come up

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with a less costly solution with a life of 8 to 10 years. The newly revised improvement project includes milling, curbing and reconstruction of the drainage. The original cost was over \$1.4 Million and the new cost is \$750,000.00. The County would pay \$150,000.00 that includes the engineering costs and that leaves a balance of \$600,000.00 with 25% paid by the Township Board, which the previous Township Board approved. This will leave \$450,000.00 for the residents to pay per parcel. Ms. Ruddy said the plan to use the Sewer Fund rather than going out for bonding. We talked to the auditors to see if that is permissible and we would have to charge bond interest rate that is equivalent to market. The resident would pay equal share of \$3,100.00 per parcel, which does not include attorney fees and interest.

Attorney Belzer said the residents have the plans and cost if the Board wants to proceed at this point it will take action from the Board. The next step is to tentatively adopt the S.A.D. and wait for the boundaries of the S.A.D. and hold a special hearing and hear any objections to the project itself. Attorney Belzer said everybody in the S.A.D. district gets a letter, it is published and the Board needs to make a decision about the 25% kick-in and decide the interest rate and over what period of time and assess the property owners.

Attorney Belzer said the Board could establish the district, boundaries and set up the first public hearing. Also, Attorney Belzer asked that he be informed about the streets that are in the subdivision. Supervisor Guigear said there is a year time-frame that the Board has to operate in. Board discussion continued regarding the engineering fees being absorbed in the project and the notice for the public hearing. A brief discussion followed by the Board.

Motion by Trustee D. Owens, seconded by Clerk T. Ketzler to move forward with the establishment of a S.A.D. for the following streets in the Lin-Hill Subdivision: Oak Creek Dr., Oak Creek Ct., Bloss Ct., Bloss Dr. and Lin-Hill. Also the Board approved paying 25%, which was approved by the previous Township Board and includes the engineering estimates and tentatively approve the equal assessment by lot and approve setting a public hearing date. All ayes. Motion carried unanimously.

**COMMITTEE REPORTS:**

**FIRE DEPARTMENT:** Fire Chief T. Romans:

A. Monthly Report:

Fire Chief T. Romans said the Board has a copy of the monthly report.

B. Badge Presentation Ceremony:

Fire Chief Romans indicated that there were four graduates for the 4-25-09 fire academy. We only have three members her and one member was recently killed the evening following his graduation. Chief Romans proceeded to present the badges and welcomed the following to the certified ranks of Fire Fighter: Joshua Rosenbrook, Cory Duso and Paul Longworth. The family of Fire Fighter Paul Gavin will accept his badge. Chief Romans introduced the family of Fire Fighter Paul Gavin. Chief Romans expressed his pride in the members of the Mundy Township Fire Department.

C. MFT/EMT:

Chief Romans explained that the members of the Fire Committee recommended approval of paying for the MFR class for the Fire Fighters and also approved that three Fire Fighters could attend the EMT training but that cost would be at their own expense.

Motion by Trustee M. Frost, seconded by Trustee B. Morey to approve the recommendation of the Fire Committee to send three Fire Fighters to the MFR/EMT class with the Fire Fighters

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paying the fee to attend the EMT class and also, the Board approve sending a fourth Fire Fighter to the MFR class. All ayes. Motion carried unanimously.

Supervisor D. Guigear commented that the Fire Fighters should be commended for attending the EMT training.

Trustee M. Frost explained that there are two Fire Fighters that need to take the MFR class again. We have four to five years invested in these two people and the Fire Committee is recommending that these two people take the MFR class again and the Chief will draft a policy addressing the issue of failing the class or failure to respond in a timely fashion with the paperwork.

Chief Romans gave a brief explanation as to the reason the two individuals need to receive the MFR training again. Clerk T. Ketzler commented that she asked that the Fire Chief draft a policy addressing the issue of failing the MFR class and have the policy ready by the next regular board meeting. Attorney J. Belzer noted that should a Fire Fighter be terminated at any point that the Township Board would handle the termination of the employee.

Motion by Trustee M. Frost, seconded by Trustee B. Morey to approve the recommendation of the Fire Committee to allow the two Fire Fighters to attend the MFR training and that a policy be drafted by the Fire Chief that sending these two individuals to the MFR training again does not set a precedence. All ayes. Motion carried unanimously.

D. FEMA Grant:

Fire Chief Romans said he didn't get advance notice when the window would be open for the FEMA Grant. The Chief said the Township would be liable for only 5% of the cost rather than all of the cost. However, Chief Romans said he needs Board approval to submit the grant application. The Chief said he doesn't know when the grant would be approved.

Motion by Trustee M. Frost, seconded by Trustee B. Morey to approve the recommendation of the Fire Committee to move forward with the Fire Chief submitted the FEMA Grant. All ayes. Motion carried unanimously.

Trustee D. Owens said he would like the Board to receive a copy of the grant once it is submitted. Supervisor D. Guigear asked if the money would come from the Fire Department Budget. Chief Romans replied yes. Supervisor Guigear asked if the funds could come from the Capital Improvement Fund and Karen Ruddy, Finance Director replied yes, the funds could come from the Capital Improvement Fund.

E. Station #1 Bids:

Trustee M. Frost said there were two bids submitted for the repairs at Fire Station #1. The bids were from R. L. White and Will Hall & Sons. A third company did not submit their bid. The Fire Committee is recommending we approve the bid from R. L. White to complete the work at Fire Station #1. Trustee Frost gave details regarding the work that needs to be done at Station #1.

Motion by Trustee M. Frost, seconded by Trustee B. Morey to approve the recommendation of the Fire Committee to accept the bid from R. L. White for the repairs at Fire Station #1 and get the work completed as soon as possible. All ayes. Motion carried unanimously.

Supervisor Guigear asked if the funds would come from the General Fund or the Fire Department. Chief Romans replied that he is uncertain as this was an unexpected repair. Karen Ruddy, Finance Director, explained that repairs come out of the General Fund. Ms. Ruddy gave further details regarding how the repairs would be paid. Further discussion was held by the Board regarding the repairs to Station #1.

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POLICE DEPARTMENT: Police Marshal J. Petres

A. Part Time Officer Hiring:

Marshal Petres said he is replacing the part-time position of Officer Ryan Frost. Marshal Petres said he is asking the Board to approve the hiring of Christopher Love who works with the Sheriff's Department and will work with the Mundy Township Police Department part-time.

Treasurer J. Oskey commented that the Police Committee is recommending the hiring of Christopher Love as a part-time Police Officer for Mundy Township.

Motion by Treasurer J. Oskey, seconded by Trustee B. Harrison to approve the recommendation of the Police Committee to hire Christopher Love as a part-time Police Officer for Mundy Township. All ayes. Motion carried unanimously.

B. Patrol Vehicles:

Marshal J. Petres said currently there are four vehicles that have over 100,000 miles. The plan is to replace the 2005 Crown Victoria. The K-9 car is now retired. Signature Ford gave a better price and we are able to purchase an extended warranty at a cost of \$22,121.00. The cut-off date for ordering the 2009 vehicles is May 22, 2009. Marshal Petres said he will likely be coming back before the Board sometime in July for another vehicle. However, Marshal Petres said he wants to review the fleet before ordering another vehicle.

Motion by Clerk T. Ketzler, seconded by Treasurer J. Oskey to approve the purchase of a Crown Victoria from Signature Ford in the amount of \$22,121.00. All ayes. Motion carried unanimously.

Board discussion followed regarding the reason for not considering a GM vehicle.

FINANCE DEPARTMENT: Karen Ruddy, Financial Director:

Karen Ruddy said she had nothing to report.

**ATTORNEY: J. Belzer**

A. 2<sup>nd</sup> Reading – Ordinance No. 2009 – Codification;

Attorney J. Belzer explained that Ordinance No. 2009 – Codification adopts all codification processes and sets the penalties of 90 days and \$500.00. Attorney Belzer asked the Board to adopt Ordinance No. 2009 – Codification.

Motion by Treasurer J. Oskey, seconded by Trustee M. Frost to approve the Second Reading of Ordinance No. 2009 – Codification of Ordinances. All ayes. Motion carried unanimously.

B. 2<sup>nd</sup> Reading - Ordinance No. 140-09 Adoption of Michigan Vehicle Code:

Attorney J. Belzer said Ordinance No. 140-09 adopts the Michigan Vehicle Code by the State of Michigan and references updates.

Motion by Trustee D. Owens, seconded by Trustee B. Harrison to approve the Second Reading of Ordinance No. 140-09 the Motor Vehicle Code. All ayes. Motion carried unanimously.

C. 2<sup>nd</sup> Reading - Ordinance No. 142-G Disturbing the Peace:

Attorney J. Belzer said Ordinance No. 142-G is defined by Disturbing the Peace and follows the prohibition of state law.

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Motion by Supervisor D. Guigear, seconded by Trustee B. Harrison to approve the Second Reading of Ordinance No. 142-G regarding the Disturbing of the Peace. All ayes. Motion carried unanimously.

D. Ordinance No. 200 – Fire Arms Ordinance:

Attorney Belzer said Ordinance No. 200 deals with the Firearms Ordinance and the safety zone for discharging of weapons within 150 yards of a building or residence. This ordinance needs to be passed by the Board if we want to protect the residents. With each violation the fire arm can be seized and it now matches the state law. The ordinance also prohibits BB guns in certain places. This ordinance does not prohibit hunting but there can be no hunting within 150 yard of a building. Attorney Belzer provided further details regarding the contents of the ordinance.

Motion by Supervisor D. Guigear, seconded by Clerk T. Ketzler to approve the First Reading of Ordinance No. 220 as presented. All ayes. Motion carried unanimously.

**SUPERVISOR:** D. Guigear:

A. Lin Hill S.A.D.:

This item was addressed earlier in the meeting.

Supervisor Guigear said the Ordinance Enforcer has a copy of a letter from a neighbor and he will address the concerns of the neighbor regarding the Harris Brothers Auction event. Supervisor Guigear also noted that there is a Legislative Alert from the MTA regarding the Revenue Sharing Allocation. Supervisor Guigear said he has been dealing with the problems on Michael Drive at Bertalossi. There are five vacant homes on Hill Road at I-75 and people are burning there and this weekend there was a fire. Supervisor Guigear said he has been in touch with the owner of the property who is in Wisconsin. The owner will come in next week to address these concerns. He assures me he will demo the property and if he doesn't move forward the Supervisor said he would be asking the Township Board to instruct the Attorney to take legal action to bring the homes down.

B. Weed Commission Resignation:

Supervisor Guigear said Michael Buck turned in his resignation last week on 5-5-09. A letter was read by the Supervisor to the audience stating that Mr. Buck didn't believe he could carry out his duties at this time.

Motion by Supervisor D. Guigear, seconded by Clerk T. Ketzler to approve the acceptance of the resignation of Michael Buck as the Weed Commissioner. All ayes. Motion carried unanimously.

Supervisor Guigear said in the past the Trustees handled the position of Weed Commissioner and he would like to review the language before we do anything because there is some compensation addressed in the ordinance. Supervisor Guigear said he will bring this issue before the Board at a future meeting.

**CLERK:** T. Ketzler:

A. Planning and Master Plan Bid Process:

Clerk T. Ketzler explained that at the last meeting the Board accepted bids for the Master Plan, Planning and Engineering and since then we encountered an unusual situation. Clerk Ketzler noted that one proposal was received on time. The Board was given a copy of the tracking sheet from Fed Ex and they left a note but it was a windy day and the note was left on the door as they delivered the proposal prior to the opening of our offices. The proposal is from Birchler, Arroyo

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and Associates. Clerk Ketzler asked the Board how they would like to proceed with the acceptance of the proposed bid from this company.

Supervisor D. Guigear stated that because none of the bids were opened until the meeting he believes the bid should be accepted. Attorney Belzer commented that there is no harm or prejudice to anybody by accepting the bid proposal at this time.

Motion by Supervisor D. Guigear, seconded by Clerk T. Ketzler to approve the acceptance of the bid from Birchler, Arroyo & Associates to be considered for the Master Plan and Planning Services for Mundy Township. All ayes. Motion carried unanimously.

Clerk T. Ketzler announced that there might be an issue coming before us regarding the Hurley Hospital millage, which could mean that there will be a special election in August. The school election cost about \$8,000.00, which is reimbursable. Hurley doesn't have to pay for the election so we will have to budget another \$8,000.00 or so to cover the cost of the special election in August. Michael Carr, County Clerk, went before the County Commissioners to have Hurley pay for the election but the county is not in favor of that. Clerk Ketzler asked everyone to call any of the County Commissioners about how they plan to pay for the election.

Clerk T. Ketzler said she has a big thank you for the people who helped with the election. Without Trustees M. Frost and B. Morey and Gary McNally Sr. it would have much more difficult.

**TREASURER:** J. Oskey:

Treasurer J. Oskey had nothing to report.

**TRUSTEES:**

Trustee M. Frost asked for information about the Group Pension Plan. Supervisor Guigear said he would table this issue until the next meeting. Supervisor Guigear further explained that this inquiry pertains to the pension plan and he and the Finance Director belong to. The Supervisor said he is unable to be a part of the MERS Pension Plan. Trustee M. Frost asked about the Pension Program for the Fire Chief and the Police Chief. Supervisor Guigear replied that the Fire Chief is in the AFSCME and the Police Chief is in the MAP Unit.

Supervisor Guigear said he wants to apologize to J. Alexander Briggs and said he would see that the information get distributed to the community.

**PUBLIC COMMENTS:**

Mary Sheridan, 6398 Laura Lane, spoke in regards to the firearms in her neighborhood. Attorney Belzer said the Police Officers can now do something about this situation. Mrs. Sheridan asked if there is a reason why the Accounts Payable is not listed on the agendas. She would appreciate it if they were included on the agenda. Karen Ruddy, Finance Director, said it was difficult to add this to the agenda and there was a decision made not to include the information on the agenda as it is read to the audience at each meeting.

Phil Holmblade, 6332 Laura Lane, asked if he could get a copy of the draft of Ordinance No. 220. Supervisor Guigear gave a copy of the draft ordinance to Mr. Holm blade.

Motion by Supervisor D. Guigear, seconded by Clerk T. Ketzler to approve to go into Executive Session for the purpose of discussion regarding labor negotiations for the Fire Department contract. All ayes. Motion carried unanimously.

The Board went into Executive Session as 8:52 P.M. and returned at 9:35 P.M. Supervisor Guigear announced that no decisions were made during the Executive Session.

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ACCOUNTS PAYABLE:

Motion by Treasurer J. Oskey, seconded by Clerk T. Ketzler to pay all invoices totaling \$259,829.32 Checks #54147 thru #54192 the General Fund-Total \$159,027.36 and Payroll DD #2702 thru DD#2748 and Checks #15484 thru Check #15494 and EFT #246 thru EFT #248 - \$75,277.22 and Checks #1879 thru #1881 the Sewer-Total \$25,514.74 was issued. Checks dated prior to 05-11-09 shall be post audited per Resolution 08-12. All ayes. Motion carried unanimously.

Motion by Clerk T. Ketzler, seconded by Trustee D. Owens to adjourn the meeting. All ayes. Motion carried unanimously.

Meeting adjourned at 9:37 P.M.

Respectfully Submitted,

6-23-09  
Dated  
TK/cml

Tonya Ketzler  
Tonya Ketzler, Clerk

Approved:

6-23-09  
Dated  
~~KTB~~/cml  
DC

David Gugean  
David Gugean, Supervisor

These minutes were prepared by Cheryl M. Ladd, CMC, for Mundy Township.

23 June 2009  
Dated

Cheryl Ladd, CMC  
Cheryl M. Ladd, CMC, Recording Secretary